



S/N 10/690,122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	CLARK ET AL.	Examiner:	UNKNOWN
Serial No.:	10/690,122	Group Art Unit:	2183
Filed:	OCTOBER 20, 2003	Docket No.:	1165.54USC4
Title:	DYNAMIC ON-LINE SCORING GUIDE AND METHOD		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 February 22, 2005.

By:

Name:

*Kristine A. Welch*  
*Kristine A. Welch*

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: Feb. 22, 2005

Kate DeVries Smith  
Katherine M. DeVries Smith  
Reg. No. 42,157  
KDS:PLSkaw

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 1165.54USC4	Application Number: 10/260,122
	Applicant: CLARK ET AL.	
	Filing Date: 10/20/2003	Group Art Unit: 2183

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,358,277	11/09/1982	Moyes et al.			
	4,785,472	11/15/1988	Shapiro			
	5,416,312	05/16/1995	Lamoure			
	6,042,384	03/28/2000	Loiacono			
	6,256,399 B1	07/03/2001	Poor			
	6,466,683 B1	10/15/2002	Poor			
	2003/0086586 A1	05/08/2003	Poor			
	2004/0063087 A1	04/01/2004	Clark et al.			
	2004/0086841 A1	05/06/2004	Clark et al.			
	6,749,435 B2	06/15/2004	Clark et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Complaint - Patent Infringement and Willful Patent Infringement, July 10, 1998, Pages 1-29, Civil Action No. 98-CV-3568, District of Pennsylvania, Meadowbrook Industries, Ltd. vs. National Computer Systems, Inc.
	Answer and Counterclaim, August 14, 1998, Pages 1-9, Civil Action No. 98-CV-3568, District of Pennsylvania, Meadowbrook Industries, Ltd. vs. National Computer Systems, Inc.
	Plaintiff's Answer to Defendant National Computer Systems, Inc. Counterclaim, September 14, 1998, Pages 1-2, Civil Action No. 98-CV-3568, District of Pennsylvania, Meadowbrook Industries, Inc. vs. National Computer Systems, Inc.
	Defendants' Answer, Affirmative Defenses and Counterclaims, February 1, 1999, Pages 1-8, Civil Action No. 98-CV-5913(JBS), District of New Jersey, NATIONAL COMPUTER SYSTEMS, INC. vs. MEADOWBROOK INDUSTRIES, LTD. and UNISCORE INCORPORATED

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	<b>DIPE JC106</b> <b>FEB 25 2005</b> <b>PATENT &amp; TRADEMARK OFFICE</b>	Docket Number: 165.54USC4	Application Number: 10/260,122
		Applicant: CLARK ET AL.	
		Filing Date: 10/20/2003	Group Art Unit: 2183

		Complaint, March 1, 2001, Pages 1-5, Civil Action No. 01-CV-386 JMR/SRN, District of Minnesota, NCS Pearson, Inc. vs. Measured Progress, Inc.
		Complaint for Declaratory Judgment and for Injunction, October 23, 2002, Pages 1-6, Civil Action No. 5:02-W-778-H(3), District of North Carolina Western Division, MEASUREMENT INCORPORATED ET AL. vs. NCS PEARSON, INC.
		Defendant Measured Progress' Answer to Complaint, April 23, 2001, Civil Action No. 01-CV-386, District of Minnesota, NCS Pearson, Inc. v. Measured Progress, Inc.
		Complaint filed February 14th, 2002, Civil Action No. 02-382 ADM/AJB, District of Minnesota, NCS Pearson, Inc. v. Measurement Incorporated.

**23552**

PATENT TRADEMARK OFFICE

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	